



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,048	01/19/2001	Frank Carr	41601/PBH/B600	1888

7590 02/13/2002

Sterne Kessler Goldstein & Fox P L L C
1100 New York Ave N W Suite 600
Washington, DC 20005-3934

EXAMINER

HARVEY, DAVID E

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 02/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Ch

Smy

Office Action Summary

Application No.

09/766,048

Applicant(s)

Carr et al.

Examiner

David E. Harvey

Art Unit

2614



- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on May 1, 2001

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-3 is/are pending in the application

4a) Of the above, claim(s) _____ is/are withdrawn from consideration

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-3 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2, 4, 5

20) ☐ Other: _____

Art Unit: 2614

1. The examiner notes that the current application is a continuation of 09/439,102. The parent file is currently unavailable for review.

2. The disclosure is objected to because of the following informalities:

- 1) Within the written description, the cited application data needs to be completed or deleted; e.g. note lines 13-15 on page 113 of the specification.

Appropriate correction is required.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ash [US Patent #4,408,347].

As is shown in figure 1, Ash disclosed a television receiver which comprised:

- 1) a first variable frequency local oscillator (22);
- 2) a first mixer (20);
- 3) a first BPF (28);

Art Unit: 2614

- 4) a second local oscillator (35);
- 5) a second mixer (32);
- 6) circuitry for producing a tuning control signal (50); and
- 7) demodulating circuitry (42, 45).

Ash indicates that all of the elements in figure 1 which are outlined by the dashed line "69" were fabricated on a single IC Chip [see lines 15-24 of column 8].

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber et al. [US Patent #6,101,371] in view of Ash [US Patent #4,408,347].

1) As is shown in figure 14, Barber et al. described a "prior art" receiver (802) which comprised: a first mixer (820); a first "variable" local oscillator (818); a first BPF (822); a second mixer (832); a second "fixed" local oscillator; a second band pass filter (834); and a demodulator (838). As is shown in figure 15, Barber et al. indicated that it was

Art Unit: 2614

conventional to have implemented all but the few discrete filtering (904, 910,912) and oscillating (908) components of the “prior art” receiver on a single CMOS IC (906) [also, note the recitations of claim 18] .

2) Barber et al. further evidences the fact that it was a widely recognized goal of those skilled in the art to have implemented all of the components of the “prior art” receiver on as few as a single CMOS IC (906) [note: lines 63-66 of column 15; lines 16-21 of column 1; etc,...). In fact, the invention actually disclosed by Barber et al. pertained to the CMOS implementation of the remaining discrete components of the “prior art” receiver.

3) Ash disclosed a system as was set forth in paragraph 3 of this Office action. Ash at least showed that it was desirable/conventional to have implemented the local oscillators of a receiver on the “single IC” chip too.

4) In view of the showing of Ash discussed above, the examiner maintains that it would have been obvious to one of ordinary skill in the art to have implemented the discrete local oscillators shown in figure figures 14 and 15 of Barber et al. within the single CMOS IC Chip (906).

7. Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barber et al. [US Patent #6,101,371] in view of Ash [US Patent #4,408,347] for the same reasons that were set forth for claims 1 and 2 above.

Art Unit: 2614

The examiner takes Official Notice that it was notoriously well known in the art to have used differentially implemented circuitry within high frequency IC chip receivers so as to reduce noise. The examiner maintains that it would have been obvious to have used such components with the receiver of Barber et al.

8. Any inquiry concerning this communication should be directed to **David E. Harvey** whose telephone number is **(703) 305-4365**. The examiner can normally be reached Monday-Friday between the hours of 9:30 AM and 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. John W. Miller, can be reached at (703) 305-4795.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

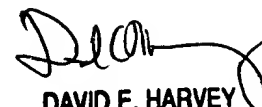
Application/Control Number: 09/439,102

Page 6

Art Unit: 2614

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose number is (703) 306-0377.

DEH 2/02


DAVID E. HARVEY
PRIMARY EXAMINER